



411 W OCEAN BLVD  
LONG BEACH, CA 90802  
562-570-6332  
LONGBEACH.GOV/PW



## LONG BEACH OPEN STREETS PROGRAM COVID-19 Parklet Application

**ANY AND ALL CHANGES MUST BE COMPLETED THROUGH PUBLIC WORKS**

COVID-19 PARKLET APPLICATION			
BUSINESS NAME:			
LOCATION OF PARKLET:			
DATE(S):		EVENT HOURS:	
PARKLET DIMENSIONS:		All ambient music shall between 7:00 AM & 10:00 PM.	
PROPOSED MAXIMUM OCCUPANCY:		WILL ALCOHOL BE SERVED:	<input type="checkbox"/> YES <input type="checkbox"/> NO
WILL THERE BE ELECTRICAL:	<input type="checkbox"/> YES <input type="checkbox"/> NO	WILL THERE BE A TENT:	<input type="checkbox"/> YES <input type="checkbox"/> NO

APPLICANT/ORGANIZATION INFORMATION			
NAME OF BUSINESS:		ORGANIZATION BUSINESS LICENSE #:	
STREET ADDRESS:			
CITY:		STATE:	ZIP CODE:
PHONE #:		CELL PHONE #:	
E-MAIL ADDRESS:			
CONTACT NAME:			

### BY SUBMITTING THIS APPLICATION BUSINESS OWNER UNDERSTANDS:

- Business owners previously operating a parklet or expanded outdoor dining space under City's Open Streets Initiative, may continue such operations, pursuant to all applicable terms and conditions, until February 28, 2021. After February 28, 2021, no business owner may operate a parklet or expanded dining area without being issued an Open Streets Program Parklet Permit, unless provided with written permission from the Public Works Director.
- Operation of a parklet or expanded outdoor dining areas will be subject to the permit terms and conditions attached hereto for reference.

By signing below, the business owner acknowledges and agree to the above:

Business Owner/Operator Signature: \_\_\_\_\_



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## LONG BEACH OPEN STREETS PROGRAM

### Attachment A - Occupancy Design Conditions

All COVID-19 Parklet Permits granted shall be temporary in nature.

Once COVID-19 restrictions are lifted, or until March 31, 2021, all expansions shall be removed and returned to normal operations.

#### **NO ALTERATION TO CITY PROPERTY IS PERMITTED**

#### **ANY DAMAGE TO CITY PROPERTY SHALL BE REPORTED TO THE CITY WITHIN 24 HOURS AND SHALL BE BILLED AT THE FULL RECOVERY RATE TO REPAIR OR REPLACE THE DAMAGED PROPERTY**

These requirements grant permission to the Permittee to extend their business operations into outdoor open space. By issuance of this permit, proper information and insurance has been provided to the Long Beach Public Works Department, Long Beach Police Department, Long Beach Fire Department, Special Events and Filming and other related City departments.

Permittee shall keep a copy of this permit, and any related permits, at their location at all times, and be able to provide the requested permits to any and all safety personnel or City staff upon request. Failure to do so may result in suspension or permanent revocation of the current COVID-19 Parklet Permit.

#### **PERMIT GUIDELINES:**

- ☐ Permittee shall adhere to the current [Safer at Home Order](#) surrounding COVID-19 procedures
- ☐ Permittee shall maintain a five (5') foot pedestrian access between their set up and their establishment open to the general public at all times.
- ☐ Permittee shall remove graffiti from the k-rail or any portion of the expanded dining area or Parklet structure within twenty-four (24) hours or the City will charge Permittee for the removal.

#### **DINING EXPANSION:**

- ☐ Permittee shall provide each individual patron a sit-down / full (bona fide) meal outdoors for patrons under the current Health Order. Both bar and restaurant shall maintain the same hours of operation. All food menu items shall be provided in conjunction with the bar/alcohol menu, and food and beverage items (both alcoholic and non-alcoholic) items shall be placed on the same ticket.
- ☐ Setup shall include tables, chairs and umbrellas.
- ☐ Dining expansion shall be set up according to the designated site plan approved by the Long Beach Fire Department and Special Events and Filming Office.

#### **INSURANCE REQUIREMENTS:**

- ☐ An original Certificate of Insurance and the Additional Insured Endorsement must be submitted to the permitting department prior to use of the parklet or other expanded dining area. To the extent



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Permittee is authorized to serve alcohol, liquor liability insurance shall be on file with the City for the duration of the use of the parklet or other permitted expanded dining area.

**LONG BEACH FIRE DEPARTMENT/CITY STAFF:**

- ☐ The Long Beach Fire Department or City staff may provide intermittent spot checks to ensure compliance of the conditions of the permit.
- ☐ Outdoor dining may occur under a tent, canopy, or other sun shelter but only as long as no more than one side is closed, allowing sufficient outdoor air flow and movement. For purposes of this requirement, an outdoor dining area with temporary barriers (such as plastic curtains, plexiglass, or particle board), present on more than one side of an outdoor dining area is considered closed as it does not allow for sufficient outdoor air flow or movement and is a violation of this permit.
- ☐ Canopies seven hundred (700) square feet or greater shall require a tent permit.
- ☐ Permittee shall comply with 2019 California Fire Code, Section 603.4.2 Prohibited locations. (1) The storage or use of portable outdoor gas- fired heating appliances is prohibited inside of tents, canopies and membrane structures. (2) Shall not be located less than 5 feet from a building. (3) Shall not be located beneath, or closer than 5 feet to combustible decorations and combustible overhangs, awnings, sunshades or similar combustible attachments to buildings. (4) Shall not be located within 5 feet of exits or exit discharges. (5) Only listed and approved portable outdoor gas-fired heating appliances shall be used, installed and maintained in accordance with the manufacturer's instructions. (6) shall be equipped with a tip-over switch that automatically shuts off the flow of gas if the appliance is tilted more than 15 degrees from vertical. (7) The maximum individual capacity of gas containers shall not exceed 20 pounds. (8) Gas containers shall not be stored inside of buildings.
- ☐ Depending on size, location and construction, canopies may require additional review, permits and/or inspection from Development Services.
- ☐ The first violation shall result in a warning and require immediate correction.
- ☐ The second violation may result in permanent revocation of the permit.

**LONG BEACH HEALTH DEPARTMENT:**

- ☐ All outdoor dining must be in very close proximity to the food facility in order for employees to have immediate access to a handwashing station.
- ☐ All Permittees are required to have a valid Health Permit at all times to expand and continue their operations outdoors. If the Permittee cannot keep their Health Permit current due to COVID-19 restrictions, a payment plan can be accommodated by contacting the City's Environmental Health Department at (562) 570-4132.
- ☐ Permittee shall comply with all applicable City's Health Orders, protocols and requirements.



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#### **ALCOHOLIC BEVERAGE CONTROL (ABC):**

- ☐ Establishments serving alcohol - establishment must provide sit-down dining and a bona fide meal. The sale of an alcoholic beverage must be in conjunction with a sale of food. Alcoholic beverages shall not be provided to a customer who is not partaking in the meal service on the premises. The Permittee shall abide by all California Alcohol and Beverage Control (ABC) guidelines, obtain the proper ABC permit for alcohol service within the temporary area, and include liquor liability on their insurance. Based on review of Permittee's application Permittee may also be required to hire private security.
- ☐ Type 20, 21, 40, 42, 48, and 61 licensees shall post signs prohibiting loitering and open alcoholic beverage

containers. ABC will issue the written notice when there is substantial evidence of loitering or drinking in public, adjacent to the premises. The signs must be prominent, permanent and clearly visible. Generally, the signs should be twenty four (24") inches in length and fourteen (14") inches in width with the print of sufficient size to make the sign clearly readable. The placement should be reasonable based upon the physical layout of the premises.

- ☐ Permittee shall place signs stating "no consumption of alcohol beyond this point" at all exits of the Permittee's outdoor seating areas.
- ☐ Permittee shall be responsible for ensuring open alcohol containers do not leave the outdoor seating areas.

#### **GOOD NEIGHBOR POLICY:**

- ☐ Possession of this permit does not allow the Permittee to unduly disturb the peace and quiet of the neighborhood with excessively loud noise and unruly or risky behavior.
- ☐ All ambient music shall be permitted only between 7:00 AM & 10:00 PM.
- ☐ If deemed necessary, operating hours may be altered, depending on location.
- ☐ Conditions of operation, such as hours of operation, ambient music, or alcohol consumption may be revised if complaints are received.
- ☐ Loitering outside the area is strictly prohibited.

#### **ENTERTAINMENT AND NOISE:**

- ☐ Live entertainment may occur if permitted by the Safer-At-Home Health Order and pursuant to any conditions provided therein.
- ☐ Ambient music shall be allowed. Ambient music shall mean low-level background music, whether amplified or not amplified, which is audible from a distance of no more than ten feet (10') from any portion of the exterior of the premises, and which is intended to create ambiance and is not intended to entertain. Ambient music does not include music played by a disc jockey or DJ.



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## COVID-19 Parklet Permit Terms and Conditions

At its June 16, 2020 meeting, City Council made recommendations to help businesses recover from the financial impact of the COVID-19 pandemic. These recommendations grant permission to the Permittee of this permit to extend their business operations into outdoor open space. By issuance of this permit, proper notification of the activity has been made to the Long Beach Police Department, Long Beach Fire Department and other related City departments.

Granting of this permit does not relieve the Permittee from their obligation to comply with all applicable local, state, and federal laws, including those related to the Health Department, Alcoholic Beverage Control, the Americans with Disabilities Act (ADA), building codes, zoning, fire and other public safety regulations. Willfully making any false or misleading statements during the application process may cause this permit to be revoked by the City Manager or his/her designee.

Possession of this permit does not allow the Permittee to unduly disturb the peace and quiet of the neighborhood with excessively loud noise or other unruly or risky behavior.

The Permittee may not exceed the maximum occupancy as allowed by the Health and Fire Departments and shall always abide by all Safer at Home Orders, including any protocols, physical distancing, face covering requirements, and sanitation requirements. All exits must be clearly marked. A first aid kit must always be on-site and available to staff and patrons. All staff shall be equipped with proper personal protective equipment (PPE) while serving the general public and must comply with the City of Long Beach Health Department's Safer at Home Health Order.

This permit may be issued only for a premises, location or physical address. The permit shall be valid until Thursday, March 31, 2021, or until the current City of Long Beach Health Department's Safer at Home Health Order is lifted, whichever occurs first.

This permit shall never be construed as a grant by the City of any right to permanently use or occupy all or any portion of the public right-of-way nor shall it ever be construed as a waiver on the part of the City, or as an estoppel against it, which would in any manner whatsoever bar or limit, or otherwise prejudice, City's right to at any time whatsoever to require a discontinuance of the use or occupancy of all or any part of the public right-of-way, the removal therefrom of all or any obstructions erected or maintained under this Permit, or the restoration of such public right-of-way to a clean condition, all at the sole cost and expense of the Permittee.



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The Health Department, Fire Department and/or City Manager or his/her designee may inspect the premises and site of the issued permit to ensure proper compliance with the conditions of the permit.

Upon issuance of the permit, the Permittee agrees to reimburse the City for additional City staffing arising from excessive police or fire services as well as costs associated with City staffing to ensure compliance with the permit as determined by the City Manager or his/her designee.

#### **Occupancy Design Conditions:**

- Care must be taken when locating tables, seating, racks, or other elements to avoid potential conflicts with existing utilities, crosswalks, and other obstructions. Furniture and equipment may not be located over any utility access points, conflict with any existing utilities, or extend beyond boundaries of the permitted occupancy area. Permittee is responsible for all items in the public right-of way.
- The street occupancy area subject to this permit, including furniture and equipment, cannot extend beyond the property line of the adjacent use without consent of the adjacent property owner. For extensions beyond the property line and into adjacent uses, please have the adjacent property owner submit the applicable approval form.
- Any obstructions on a sidewalk must permit at least five (5) feet' of unobstructed area of walk zone. Occupancy areas cannot enclose or make any utility access points inaccessible. A minimum of one opening must be provided on the public sidewalk side of the permit area.
- Obstructions cannot be located in a manner which interferes with visibility, the flow of vehicular or pedestrian traffic, or which creates a potential threat to public safety, as determined by the Long Beach Public Works Department, Long Beach Police Department, or Long Beach Fire Department.
- When used, umbrellas must be suitable for outdoor use and must be between seven (7) and ten (10) feet in height and cannot extend beyond the boundaries of the permit area.
- Fire code compliance is required for ingress and egress purposes within the permit area. The most up to date requirements must be verified and adhered to. Seating shall comply with existing [Health Orders guidelines](#).
- Outdoor dining will function as an extension of an existing eating establishment. Guidelines and protocols for all existing permits and licenses must always be followed. It is the Permittee's responsibility to obtain, comply with, and enforce all ABC license and/or permit guidelines as it relates to sale and/or consumption of alcohol on public property.
- All permit areas shall conform to the requirements of Chapter 8.80 of the Long Beach Municipal Code and all guidelines set forth in the Street Occupancy Guidelines regarding noise.
- Platform Conditions
  - Permanent materials, such as poured-in-place concrete, are prohibited. Lightweight concrete poured on foam without rebar is permitted.





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- Platforms shall be designed so as not to impede the flow of stormwater. A gap shall be provided along the gutter to allow rainwater to naturally flow without obstruction and screens shall be located on either end of the platform to prevent debris from building up underneath the platform deck.
- Decking shall be constructed of quality, non-slip, and weather resilient material.
- \*Typical parklet installations provided and permitted by the Public Works Department will be defined by a perimeter of water-filled K-rail barricades or delineators. Barricades cannot be painted, punctured, or treated with materials that would permanently change the surface of the barricade. The barricades cannot be covered with temporary materials for aesthetic improvement without City Traffic Engineer review and approval. If the barricades are covered with a decorative material, the edge of that material cannot extend beyond the approved boundaries of the permit area. , must be painted in a bright color visible to motorists and pedestrians, and edges must include affixed Type A Object Markers. Public Works can provide online resources for purchase of object markers, if requested by Permittee.
- \*Barriers, railings, or other fencing must be included around the perimeter of a deck design and must be attached to the platform structure and shall not be attached to the roadbed, curb, or K-rail barricades. Barrier extensions can be anchored to the sidewalk under direction of the City Engineer. Barriers must be a maximum four (4') feet high to maintain visibility between the occupancy zone and the roadway. Barriers are not required adjacent to the sidewalk.
- \*Applicants may place decorative materials between the K-rail barricades along the perimeter of the permit area in segments up to fifteen (15') feet long. Materials must prevent patrons from exiting the permit area into the adjacent roadway and must be approved by the City Traffic Engineer.

*\*Applies only to parklets permitted by Public Works.*

- Permittee shall maintain ADA access for appropriate pedestrian flow. Business operations, including customer seating, umbrellas, lighting, heaters, and other materials, must not encroach upon a single, continuous, straight, clear pedestrian path of travel of no less than five (5') feet wide on the sidewalk. An additional path of travel must connect the sidewalk to an accessible entry to the street permit area ("accessible path of travel"). This accessible path of travel must be a minimum of forty-eight (48) inches wide on the sidewalk and not pass over tree wells. Permittee shall comply with all applicable ADA obligations in relation to its use of the permitted street area. All accessibility requirements are subject to inspection and enforcement.



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### **Permit Revocation:**

- This permit may be revoked by the City for reasons including, but not limited to: failure to comply with the terms and conditions contained herein, inactivity, lack of use, in response to an imminent threat to public health, safety or welfare, failure to comply with all applicable local, state, and federal laws, including, but not limited to those related to the Health Department, Alcoholic Beverage Control, the Americans with Disabilities Act (ADA), building codes, zoning, fire, nuisance, noise, and other public safety regulations.
- Upon receipt by Permittee of notice of revocation of the permit from the City, Permittee shall have seventy-two (72) hours to remove all personal property from the parklet (e.g. street furniture, tables, chairs, umbrellas, racks, heaters, lights, or the like).
- After the seventy-two (72)-hour notice period has expired, the City shall remove the parklet. All personal property that is not removed from the parklet after the seventy-two (72)-hour notice period shall be removed by the City and stored at Permittee's cost, pursuant to City policy.
- Permittee has five (5) business days from receipt of notice of revocation of the permit from City to request an administrative hearing. The City shall provide an administrative hearing within five (5) business days from the City's receipt of Permittee's request for an administrative hearing.
- Removal for lack of use: If a parklet is being removed for inactivity or lack of use, the City will post a notice of the intent to remove the parklet from the premises of the business at least ten(10) business days before the parklet is removed. A Permittee desiring to object to the removal of the parklet must do so within five (5) business days of receipt of the posted notice. The City Traffic Engineer must receive the objection by the close of business on the fifth (5th) business day following posting of the intent to remove the parklet. The objection must be in writing and signed by the Permittee, if the Permittee is a corporation, by an officer of the corporation, and addressed to the City Traffic Engineer. Objections shall be submitted via US Mail, or email, and must include a valid email address, street address and phone number sufficient to ensure that the City's decision concerning the objection will be received. If submitting an objection via US mail, the objection should be postmarked on or before the third (3rd) business day following posting of the intent to remove the parklet to ensure timely receipt by the City Traffic Engineer. Objections should set forth a complete and detailed statement of the grounds for the objections and include all relevant information to support the objection. Once the objection is received by the City Traffic Engineer, the City will not accept additional information on the objection unless the City requests it. The City Traffic Engineer or designee will respond with a decision regarding the objection within five (5) business days of receipt of the objection by email or US mail to the address provided in the objection. The decision shall be final. If the removal of the parklet is upheld in the decision, the Permittee will have seventy-two hours from the transmission of the decision to remove all personal property from the parklet. After the seventy-two (72)-hour period has expired, the City shall remove the parklet. All personal property that is not removed from the parklet after the seventy-two (72)-hour period shall be removed by the City and stored at Permittee's cost, pursuant to City policy. If Permittee does not timely submit an objection to the notice of intent to remove the parklet, City will remove the parklet on the tenth (10th) business day following posting of the intent to remove the parklet. Any personal property that is not removed shall be removed by the City and stored at Permittee's cost.





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**Indemnity:**

- Permittee shall indemnify, protect and hold harmless the City, its Boards, Commissions, and their officials, employees and agents ("Indemnified Parties"), from and against any and all liability, claims, demands, damage, loss, obligations, causes of action, proceedings, awards, fines, judgments, penalties, costs and expenses, including attorneys' fees, court costs, expert and witness fees, and other costs and fees of litigation, arising or alleged to have arisen, in whole or in part, out of or in connection with: (1) Permittee's use of the permit; (2) Permittee's breach or failure to comply with any of its obligations contained in this permit; (3) Permittee's failure to comply with all applicable federal and state laws requirements; or (4) negligent or willful acts, errors, omissions or misrepresentations committed by Permittee, its officers, employees, agents, subcontractors, or anyone under Permittee's control (collectively "Claims" or individually "Claim").
- In addition to Permittee's duty to indemnify, Permittee shall have a separate and wholly independent duty to defend Indemnified Parties at Permittee's expense by legal counsel approved by City, from and against all Claims, and shall continue this defense until the Claims are resolved, whether by settlement, judgment or otherwise. No finding or judgment of negligence, fault, breach, or the like on the part of Permittee shall be required for the duty to defend to arise. City shall notify Permittee of any Claim, shall tender the defense of the Claim to Permittee, and shall assist Permittee, as may be reasonably requested, in the defense.
- If a court of competent jurisdiction determines that a Claim was caused by the sole negligence or willful misconduct of Indemnified Parties, Permittee's costs of defense and indemnity shall be: (1) reimbursed in full if the court determines sole negligence by the Indemnified Parties, or (2) reduced by the percentage of willful misconduct attributed by the court to the Indemnified Parties.
- The provisions of this Section shall survive the expiration or termination of this permit.

ALCOHOL REQUIREMENTS
<ul style="list-style-type: none"><li>• Establishments shall obtain a license through the state of California Department of Alcoholic and Beverage Control to serve alcohol in the temporary area.</li><li>• Establishments shall provide the COVID-19 Temporary Catering Authorization license issued by ABC.</li><li>• Alcoholic beverages shall be sold, served or consumed only within the approved occupancy zone.</li><li>• Persons shall not take alcoholic beverages from the approved occupancy zone.</li><li>• Establishment shall have a valid insurance policy with liquor liability on file with the City of Long Beach for the duration of the permit.</li><li>• Based on review of your application and site map, you may also be required to hire private security, if deemed necessary.</li></ul>



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#### DECORATIVE MATERIALS

If interested in providing decorative materials, please describe them on the next page or provide an illustration of the proposed materials and proposed installation date for City Traffic Engineer approval. Any modifications to parklet design are subject to City Traffic Engineer approval.

#### Description of Decorative Materials:

#### Illustration (Optional)



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#### ADJACENT BUSINESS OWNER CONSENT FORM

**Adjacent businesses should complete the following for street occupancy that extends beyond primary applicant's property line, in front of the adjacent property, OR if adjacent business is sharing the proposed space with the primary applicant.**

**By signing this form, adjacent business owner agrees to installation of extended parklet as described on Attachment A – Occupancy Design Conditions along their business frontage. Adjacent business owner also acknowledges that installation of parklet may result in parking and other impacts.**

Adjacent Business Name (include DBA): \_\_\_\_\_

Adjacent Business Address: \_\_\_\_\_

Adjacent Business Operating Hours: \_\_\_\_\_

Adjacent Business Contact Person Name: \_\_\_\_\_

Adjacent Business Contact Person Phone: \_\_\_\_\_

\_\_\_\_\_

Adjacent Business Owner/Operator Name (Print)

\_\_\_\_\_

Adjacent Business Owner/Operator Signature

\_\_\_\_\_

Date